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Attorneys for Plaintiff and the putative class

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

BRIAN GLAUSER, individually and on behalf of all others similarly situated,

Plaintiff,

γ₁

GROUPME, INC., a Delaware corporation,

Defendant.

Case No. 4:11-cv-02584-PJH

**PLAINTIFF'S STATEMENT
REGARDING FILING OF
ADMINISTRATIVE MOTION TO FILE
DOCUMENTS UNDER SEAL AND
OPPOSITION TO GROUPME'S
MOTION FOR SUMMARY JUDGMENT**

1 On September 30, 2014, Plaintiff Brian Glauser attempted to file his Unopposed
2 Administrative Motion to File Documents Under Seal Pursuant to Civil L.R. 7-11 and 79-5 (the
3 "Administrative Motion") and corresponding Opposition to GroupMe's Motion for Summary
4 Judgment on Plaintiff's Individual Claims (the "Opposition"), in accordance with the 10:00 a.m.
5 PT deadline to which Plaintiff and Defendant GroupMe had previously stipulated. (*See* Dkts.
6 128, 131.) In the process of filing, the CM/ECF electronic filing system would not accept the
7 documents for upload.

8 As Plaintiff's counsel reattempted the filing after the system's first rejection, they also
9 contacted the Court's CM/ECF Help Desk and were connected to a Help Desk representative
10 who identified himself as "Bud" just minutes after 10:00 a.m. Plaintiff's counsel explained to the
11 representative that they were attempting to file Plaintiff's Administrative Motion and related
12 documents but that they were unable to complete the process of uploading the documents for
13 filing. Based on Plaintiff's counsel's account, the Help Desk representative suggested three
14 possible causes for the issue: (i) that the documents were collectively too large as a whole (i.e.,
15 greater than 30mb total)—they were not; (ii) that the filenames of the documents being submitted
16 were too long—the file naming conventions used by Plaintiff's counsel throughout this case have
17 not changed; or, as (the representative explained) is the case in some instances, (iii) the system
18 simply would not accept the filing unless it was broken into multiple docket entries.

19 Following the call, Plaintiff successfully filed the Administrative Motion, the Declaration
20 of Benjamin H. Richman in Support, the Proposed Order granting the Administrative Motion,
21 and the redacted and unredacted versions of Plaintiff's Opposition in one filing. Once completed,
22 Plaintiff then filed the additional exhibits to the Administrative Motion and in the process of
23 doing so, again contacted the CM/ECF Help Desk to confirm that the proper event for such a
24 "split filing" was being used. Ultimately, the filing was completed in its entirety at 10:24 a.m.
25 PT.

26 Concerned that the documents were ultimately filed after the Parties' stipulated 10:00
27
28

1 a.m. PT deadline, Plaintiff's counsel then immediately contacted the Court's Chambers,
 2 explained the situation and filing issues, and inquired as to the procedure for alerting the Court to
 3 the same, including specifically, whether a statement was required to be filed on the Court's
 4 docket. Plaintiff's counsel was informed that the Court's standard procedure is typically for
 5 parties who experience issues filing electronically to provide a statement to the Court—like the
 6 instant one—explaining the circumstances of the filing, which Plaintiff does herein.¹

7 Notwithstanding, should the Court require any further information regarding the instant
 8 statement or Plaintiff's filings, the undersigned counsel is available at the Court's convenience.

9 Respectfully Submitted,

10 **BRIAN GLAUSER**, individually and on behalf of
 11 all others similarly situated,

12 Dated: October 1, 2014

By: /s/ Benjamin H. Richman
 13 One of Plaintiff's Attorneys

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1 Prior to filing the instant statement, Plaintiff's counsel communicated with counsel for
 2 Defendant GroupMe and informed them that the statement would be forthcoming.